

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

WILLIE DONNELL BEASLEY, #879844 §
VS. § CIVIL ACTION NO. 6:06cv355
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed because the Petitioner did not show that he had obtained permission from the Fifth Circuit to file a successive petition. The Petitioner has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Petitioner are without merit. The Petitioner may not proceed in this case because he has not shown that the Fifth Circuit has granted him permission to file a successive petition, as required by 28 U.S.C. § 2244(3)(A). Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the petition for a writ of habeas corpus is **DISMISSED** without prejudice. All motions not previously ruled on are hereby **DENIED**.

SIGNED this 6th day of September, 2006.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE